

**BOARD OF ENVIRONMENTAL REVIEW  
AGENDA ITEM  
EXECUTIVE SUMMARY FOR RULE ADOPTION**

**AGENDA #III.A.1.**

**AGENDA ITEM SUMMARY** - The Board has proposed amendments to the public water supply rules to:

1. Amend existing fees for the review of required plans and specifications submitted for public water and wastewater systems; and
2. Adopt new rules for house keeping purposes and clarification.

**LIST OF AFFECTED RULES**) - ARM 17.38.106.

**AFFECTED PARTIES SUMMARY** – Owners of all public water supply and public sewage systems. Examples of these systems include cities, towns, water and sewer districts, subdivisions, mobile home parks, businesses and schools. These changes will also affect any other “person” that may modify a public water or wastewater system. Examples include engineers, contractors, water treatment installers, and well drillers.

**SCOPE OF PROPOSED PROCEEDING** - The Board is considering final action on adoption of amendments to the above-referenced rules as proposed in the Montana Administrative Register, with the additional revisions noted in the attached Draft Notice of Amendment.

**BACKGROUND** – The FY99-00 legislative audit identified that, “The department does not recover its cost for reviews of public water supply system plans and specifications as required by law.” In fact, the department also does not recover its cost for wastewater system plans and specification reviews as also required in Section 75-6-108(3), MCA. The FY 01-02 legislative audit once again identified the lack of appropriate fees for review, but indicated that the department was initiating rule revisions to address that issue. As indicated by the most recent financial review, the program collected \$113, 000 less in fees for FY04 than it cost to complete those reviews. Therefore the department must modify its fee schedule so as to meet the legislative requirements

**HEARING INFORMATION** – Thomas Bowe conducted a public hearing on January 14, 2005, on the proposed amendments. The Presiding Officer Report and the Draft Notice of Amendment are attached to this executive summary.

**BOARD OPTIONS** - The Board may:

1. Adopt the proposed amendments as set forth in the attached Notice of Amendment;
2. Adopt the proposed amendments with revisions that the Board finds are appropriate and that are consistent with the scope of the Notice of Public Hearing on Proposed Amendment and the record in this proceeding; or
3. Decide not to adopt the amendments.

**DEQ RECOMMENDATION** - The Department recommends that the Board adopt the proposed amendments, as noted with the changes identified in the Draft Notice of Amendment.

**ENCLOSURES** –

1. Notice of Public Hearing on Proposed Amendment;
2. Presiding Officer's Report; and
3. Draft Notice of Amendment.